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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,049	11/12/1999	MICHAEL AARON KAPLY	AT9-99-140	1177

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EXAMINER

LUDWIG, MATTHEW J

ART UNIT PAPER NUMBER

2178

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.

09/439,049

Applicant(s)

KAPLY ET AL.

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 60 is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment A filed 8/22/03.
2. Claims 1-~~60~~⁵⁷ *remain rejected* under 35 U.S.C. 103(a) as being unpatentable over Emens in view of Russell-Falla.
3. Claims 1-60 are pending in the case. Claims 1, 20, 39, 58, 59, 60 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-2, 6, 8, 11-16, 20-21, 25, 27, 30-35, 39-40, 44, 46, and 49-54, 58, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al., U.S. Patent Number 6,493,744 filed (8/16/99).**

In reference to independent claims 1, 20, and 39, Emens teaches:

- A method comprising a second process requesting data from a first process, the first process generating a resolution to the request, and further transmitting the resolution to the second process (Emens, invention delivers or does not deliver data based on content, and may be implemented on a client, server, or proxy server, proxy servers acting as go-betweens for requested data between two processes and the application being a process itself). See column 2, lines 46-49 and 53-56.

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- The reference further discloses a means for working with image files in separate processes (Emens, image processing software is used to identify semantic units within an image file). See column 3, lines 18-23.

- The modified data file is created, either all, some, or none of the file will be displayed by a browser to a user at a client computer. See column 3, lines 5-8. The reference demonstrates the utilization of a browser, which provides viewer access to data. Emens does not explicitly disclose data contained in a display memory; however, it is known in the art that display data during the operation of the computer is typically stored in RAM, buffers, cache, or some type of processing memory prior to display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the browser and utilized the services of the for providing a cache, which would have given the user the added benefit of efficient processing of image data.

In reference to dependent claims 2, 21, 40, Emens teaches resolving a request for data protected from user display, the resolution comprising a modified version of the data containing unprotected portions. See column 2, lines 46-49.

In reference to dependent claims 6,25, 44, Emens teaches requesting and transmitting data that is not yet displayed. See column 2, lines 43-45.

In reference to dependent claims 8, 27, 46, Emens teaches transmitting information relating to the data request to the first process, the data resolution being based on said information. See column 3, lines 64-67 & column 4, lines 23-26.

In reference to dependent claims 11-14, 30-33, 49-52, Emens teaches the request and transmission of image data, wherein an image resolution may include the transmission of an

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image having a different color depth or pixel resolution than the requested image and being a different image than originally requested. See column 4, lines 14-16. The reference does not explicitly disclose different pixel resolution; however, the blurred region suggests a change in pixel resolution. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the blurred region techniques of Emens and changed the pixel resolution as is demonstrated, which would give the user enhanced views of objectionable material.

In reference to dependent claims 15, 34, 53, Emens does not explicitly teach requested data comprised of an image of text in a first font and a received resolution comprised of an image of text in a second font. However, Emens teaches modifying images by replacing portions with blurred regions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Emens in order to apply the blurring effect to an image containing textual portions, effectively creating a resolution image having text of a different font. Such a modification would have provided a means for obscuring objectionable text from an image, maintaining other portions of non-objectionable material.

In reference to dependent claim 16, 35, 54, Emens teaches transmitting a request for additional information relating to a data request, receiving a response, and further generating a resolution response based on the additional information where the invention requests content rating information from a client. See column 3, lines 64-67 & column 4, lines 23-26.

In reference to independent claim 58, Emens teaches:

Image processing software is used to identify semantic units within an image file. See column 3, lines 19-22. The image software would have provided a proficient framework for instantiating an owning application for image data.

A similar technique of requesting displayed data is represented by the browser taught by Emens. After the modified data file is created, either all, some, or none of the file will be displayed by a browser to a user at a client computer. See column 3, lines 5-8. Within the browser, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the reference to utilize the browser as the requesting application of image data. The browser would have provided the user the added benefit of having enhanced application specific means for downloading image data.

The reference teaches content corresponding to the objectionable discrete object is replace by image blocks, which may be black rectangles or blurred regions. See column 4, lines 15-18. Emens does not explicitly disclose a callback module to call the owning application to request a resolution to the access by the requesting module; however it would have been obvious to utilize the modified content taught by Emens to suggest means of callback to the requester. The blurred image supplied by the image software would have provided a proficient tool for collecting information and determining an action.

The rating vectors and the blurred image blocks taught by Emens demonstrate a response to an action taken and a resolution based upon objectionable content. The reference does not explicitly state the factors based upon the type of data involved with the request; however the data being, which is being replaced by image blocks and presented to a browser suggest data being measured against specific factors. It would have been obvious to one of ordinary skill in

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the art at the time the invention was made to have modified the reference and utilized the rating vectors as factors, which would have given the user an enhanced analysis of content for determination of objectionable data.

In reference to claim 59, the claim recites similar limitations to the methods of claim 58, and is therefore rejected under similar rationale.

6. Claims 3-4, 9-10, 17-19, 22-23, 28-29, 36-38, 41-42, 47-48, 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens in view of Russell-Falla et al., U.S. Patent Number 6,266,664 filed (10/1/98).

In reference to dependent claims 3-4, 22-23, 41-42, Emens does not explicitly teach a modified version with substitute data and indicating where the protected data would have been displayed. However, Russell-Fall does teach modifying resolved data by substituting data for at least a portion of the protected data, the substituted data including data displayed in the same area as the protected data would have appeared (column 3, lines 21-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions to create the disclosed resultant resolution. Such a combination would have given a user the added benefit of having more ways to control the display of objectionable content.

In reference dependent claims 9-10, 28-29, 47-48, Emens does not explicitly teach data request information as identifying a process and the data's uses. However, Russell-Falla does teach transmitting additional request information, the information identifying a requesting process and indicating data use, a data resolution further being based on these (See column 3, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions to include resolving data requests by using additional information. Such

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a combination would have given a user more ways to manage the display of objectionable content.

In reference to dependent claims 17-19, 36-38, 55-57, Emens does not explicitly teach additional data request information as identifying a process, the data's use, and related attributes. However, Russell-Falla does teach transmitting additional request information, the information identifying a requesting process, indicating data use, and related data attributes, and a data resolution further being based on these aspects of the information. See column 3, lines 10-19. It would have been obvious to one of ordinary skill in the art at the time the invention was to combine the inventions to create the disclosed resultant resolution. Such a combination would have given a user more ways to manage the display of objectionable content.

7. Claims 7, 26, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens in view of Tso et al., U.S. Patent Number 6,421,733 filed (9/18/97).

In reference to dependent claims 7, 26, and 45, Emens does not explicitly teach requesting nonexistent data and providing a generated version as a resolution. However, Tso does teach requesting data that does not exist and subsequently providing a generated version of the requested data. See column 5, lines 62-63 & column 6, lines 7-8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the invention of Tso and Emens. Such a combination would have allowed further modification control over the resolved to, providing users an efficient way to identify data that has not been included or has been modified.

8. Claims 5, 24, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens in view of Russell-Fella and in further view of Tso.

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In reference to dependent claims 5, 24, and 43, Emens and Russell-Falla do not explicitly teach augmentation data comprising a copyright notice. However, Tso teaches augmenting data with links to company information and ensuring trademark and logo information are being used correctly. See column 8, lines 56-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tso with Emens and Russell-Falla such that data is augmented with copyright information. Such a combination would have allowed further modification control over the resolved to, given users an easier way to identify data that has not been included or has been modified.

Allowable Subject Matter

9. Claim 60 is allowed.

Response to Arguments

10. Applicant's arguments filed 8/23/03 have been fully and carefully considered but they are not persuasive.

It is respectfully noted that applicant's incorporation of newly proposed limitations into independent claim 1 changes the scope of the claim's limitations when interpreted as a whole. Therefore, the instant rejections have been adjusted accordingly.

Applicant argues on pages 17 and 18 of the amendment that the reference does not teach or suggest providing a request process with data of an owning application displayed in an application window for then owning application. The owning application mentioned above does not appear in the claim language. Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the content rating methods of provide a reasonable interpretation of the newly amended claim. The examiner notes that (as presently

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claimed), Emens teaches content corresponding to the objectionable discrete object is replaced by image blocks, which may be black rectangles or blurred regions. See column 4, lines 15-20. The reference suggests the utilization of image data from a first process, which would have been sent to a browser for display by an application. The reference further teaches that when a modified data file is created, either all, some, or none of the file will be displayed by a browser to a user at a client computer. See column 3, lines 5-8. It is known in the art that display data during computer operations is typically stored in memory, RAM, buffers, or some type of processing memory prior to display. Netscape, a common web browser, which would provide a proficient means for generating the display data, utilizes a cache memory.

The Applicant argues on pages 25 & 26 of the amendment that the reference does not teach or suggest requesting displayed data where the request is based on several factors. However, Emens discloses the rating repository used depends on the type of file and related semantic units. The reference suggests several factors, which determine the outcome of a request.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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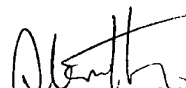
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ML
October 24, 2003


STEPHEN S. HONG
PRIMARY EXAMINER